IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5995 OF 2006

Dr.Subodh Rajnikant Paliwal .. Petitioner.
Vs.
Dr.Seema Subodh Paliwal .. Respondent.

Mr.R.T.Lalwani for the petitioner.
Mr.Saeed Akhtar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 18TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner and the respondent.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing. Mr.Akhtar, learned counsel waives service for the respondent.

3. This petition arises from the order dated 21.6.2006 passed by the family court on application at Exhibit-18 filed by the petitioner for setting aside "No W.S." order dated 26.10.2005. Admittedly, the impugned order has been passed after the petitioner placed the written statement on record. The written statement was placed on record on 7.12.2005 whereas the impugned order is dated 21.6.2006. This proceeding is arising from the petition filed by the

respondent-wife seeking divorce on the ground of cruelty. The learned counsel for the parties have fairly stated that I need not record the detail reasons for disposing of this writ petition and they have agreed for the following order:

(a) The order dated 21.6.2006 impugned in the present writ petition and "No W.S." order dated 26.10.2005 are quashed and set aside subject to the petitioner paying cost of Rs.3,000/- to the respondent-wife within one week from today. The written statement which is already placed on record may be taken on file. If the petitioner fails to pay the cost as aforestated, both the orders shall stand revived and in that case the family court may proceed with the case without written statement.

(b) Considering the overall facts and circumstances of the case and that the couple has two minor children the family court shall endeavour to dispose of petition No.A-1778/2004 as expeditiously as possible and preferrably within a period of four months from the date of receipt of this order.

. With these observations the writ petition is disposed of.

(D.B.Bhosale, J.)